

Louise Bernikow

Heaven Won't Protect the Working Girl

"There is no job safe from the perils and humiliations of sex discrimination . . . pick your weapon and join the battle"

Behind each checkout counter in the supermarket was a woman—four black, two Puerto Rican. All of them, dead on their feet, struggled against the routine flirtation of male customers, the impatience of female customers and the pathetic barbarism of every crazy coming in off the street.

Carmen is especially tired today because she spends evenings in college classes and nights studying. She is convinced that the way out of this supermarket is a college education.

I look at Carmen, who is dreaming the American dream of self-betterment, more money, greater dignity. Do I have a right to tell her the facts?

- That a female college graduate earns a few dollars more a year than a man with an eighth grade education.
- That women are generally the last to be hired and the first to be fired. Those who try for a promotion are often rejected in favor of less qualified men.
- That the median annual income for white females is just over \$5,000 and for non-white women, \$4,000.
- That one-third of the American work force is female. And though most women work in order to support themselves or their families, their employment is still considered expendable.
- That the women hit hardest by inequities in employment are those who are most powerless to effect change: poor women, minority women, and women who are heads of households.
- That apart from the well-documented psychic brutality inflicted on competent women by the frustration of their abilities, society views its women as a readily available source of cheap labor, whatever their educational level.

Probably, Carmen would believe

none of this. Why should she? Does it make sense that a college education for Carmen may only mean the exchange of a cash register for a typewriter? What, she may ask, will it take to end the exploitation and discrimination faced in one way or another by almost every working woman?

For the moment, the most powerful, pragmatic answer is the law. Failing a total upheaval in the power structure, women have determined that change can be and must be wrung from the institutions where we work. If you're a fellow victim, choose your weapon from the following arsenal of Federal legislation and join the battle.

The Equal Pay Act of 1963, the first Federal legislation in the field, is unequivocal. And, unlike some of the other remedies, it is enforceable, too. If you can prove that men are being paid more for doing a job that requires the same effort, skill and responsibility as yours, write immediately to the Administrator of the Wage and Hour Division of the Department of Labor. (The address of this and all other Government or private agencies useful to working women can be found in "Where To Get Help" on page 126.)

If your complaint is well-founded, this agency can correct the wage discrepancy and order your employer to fork over back pay for the period during which the salary inequity existed. Since 1963, more than \$37.5-million has been found due to 91,661 employees, almost all of them women.

The Equal Pay Act provides for complaints to be made anonymously. For women who have reason to fear employer retaliation, this is an important protection.

Executive Order 11246, as amended by 11375, is a Presidential order without force of law that nevertheless has great clout. It prohibits discrimination by an employer who has a contract or subcontract with the Federal Government. The threat is simple: the Government can withhold their money until the employer or institution ceases discriminating. This has proven a formidable tactic for women at universities which hold Federal contracts for research and development projects. In these institutions the percentage of women faculty above the lowest ranks is often far below the number of capable women available.

The Office of Federal Contract Compliance issues policy guidelines and oversees enforcement of these Executive Orders. The O.F.C.C. designates the Department of Health, Education and Welfare (H.E.W.) to handle compliance in education, and the Department of Defense regulates contracts in industry.

When H.E.W. investigates a complaint and finds it justified, the agency can require school administrations to develop "affirmative action" programs that spell out the ways in which they intend to eliminate sex discrimination. Campus women's groups often aid the investigation by turning over their own research on discriminatory practices and by volunteering for interviews with H.E.W. team members.

Executive Order 11478, issued by President Nixon in 1969, prohibits sex discrimination in the executive agencies of the Federal Government, in the legislative and judicial branches, and in the government of the District of Columbia. It is administered by the Civil Service Commission.

When the history of the struggle for job equality is written, **Title VII of the Civil Rights Act of 1964** will surely emerge as the most potent legal remedy. Title VII prohibits employers, employment agencies and labor unions from discriminating in every aspect of employment on the basis of "race, color, religion, sex or national origin." Complaints filed under Title VII are investigated by the Equal Employment Opportunity Commission (E.E.O.C.), an understaffed, overworked Federal agency which has no enforcement powers whatsoever. (Congresswoman Bella Abzug calls the E.E.O.C. a "watchdog with no teeth.")

If the E.E.O.C. finds a complaint valid and if its attempts at conciliation between employer and employee fail, two alternatives remain: The complaint can be turned over to the Justice Department (although it seems less than eager to bring suits in sex discrimination cases), or it can be brought to court by the aggrieved woman. She can file suit individually or with a group acting on behalf of all those female employees to whom the discriminatory act applies. (Known as a "class action," this has proven by far the most fruitful kind of sisterhood suit.)

Title VII does not cover government

Louise Bernikow's biography of Rudolph Abel was published last year by Trident Press. She is now at work on an anthology of women poets.